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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THE UNITED STATES OF AMERICA,

Case no.: 2:18-cr-00390-RFB-BNW-1

Plaintiff.

VS.

VAN TRAN.

**STIPULATION TO CONTINUE
SENTENCING**

(First request)

IT IS HEREBY STIPULATED AND AGREED by and between Nicholas A. Trutanich, United States Attorney, through Allison Reese, Assistant United States Attorney, and Defendant, Vang Tran by and through his counsel, Todd M. Leventhal, that the Sentencing currently scheduled for September 14, 2020 at 10:30 a.m., 2019 be continued and set for a date and time convenient for the court but not sooner than sixty (60) days.

This Stipulation is entered into for the following reasons:

1. Counsel, Todd M Leventhal, Esq., will be out of jurisdiction on a personal matter until the end of September 2020.
 2. The parties agree to the continuance.
 3. Defendant Vang Tran is in custody and does not object to the continuance.

- 1 4. This is the First request for a continuance of the Sentencing date.
2 5. The additional time for Sentencing requested herein is not sought for purposes of delay,
3 but merely to allow counsel for the defendant sufficient time to effectively and thoroughly
4 research, prepare for Sentencing.
5 6. Additionally, denial of this request for continuance could result in a miscarriage of justice.
6 The additional time requested by this Stipulation is excludable in computing the time
7 within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.
8 § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv), as
9 well as § 3161(h)(1)(D).

10 DATED this 2nd day of September 2020

11 Respectfully submitted by: Todd M. Leventhal, Esq.

13 _____
14 /s/ Todd M. Leventhal
TODD M. LEVENTHAL
Counsel for Defendant
Vang Tran

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14 /s/ Allison Reese
ALLISON REESE
Assistant U.S. Attorney
Counsel for Plaintiff

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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 THE UNITED STATES OF AMERICA,

13 Case no.: 2:18-cr-00390-RFB-BNW-1

14 Plaintiff,

15 **STIPULATION TO CONTINUE**

16 vs.

17 **SENTENCING**

18 VANG TRAN.

19 Defendant.

20 (First request)

21 **FINDINGS OF FACT**

22 Based on the Stipulation of counsel, and good cause appearing, the Court finds that:

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- 24
1. Counsel, Todd M Leventhal, Esq., will be out of jurisdiction on a personal matter until
 2. The parties agree to the continuance.
 3. Defendant Vang Tran is in custody and does not object to the continuance.
 4. This is the First request for a continuance of the Sentencing date.

5. The additional time for Sentencing requested herein is not sought for purposes of delay, but merely to allow counsel for the defendant sufficient time to effectively and thoroughly research, prepare for Sentencing.

6. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv), as well as § 3161(h)(1)(D).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendants in a speedy trial, since the failure to grant said continuance would be likely to result in creating unnecessary risk to the court, its staff, the parties, their counsel and the public.

The continuance sought herein is excludable in computing the time within which the trial must commence pursuant to the Speedy Trial Act, 18 U.S.C., Section 3161(h)(7)(A), when considering the factors set forth under 18 U.S.C., Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

ORDER

IT IS HEREBY ORDERED that the Sentencing currently scheduled for September 14 at 10:30 a.m. be continued to November 17, 2020, at the hour of 11:00 AM in Las Vegas Courtroom 7C.



**RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE**

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CERTIFICATE OF SERVICE
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4 I hereby certify that on the 2nd day of September 2020 a true and correct copy of the,
5 **STIPULATION AND ORDER TO CONTINUE SENTENCING** was filed through the
6 CM/ECF filing system and was electronically served to the following registered addresses on file
7 for this instant case.
8

9 _____
10 /s/ Todd M. Leventhal
11 TODD M. LEVENTHAL, ESQ.
12 LEVENTHAL & ASSOCIATES, PLLC.
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